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22 IN THE UNITED STATES DISTRICT COURT  
23 FOR THE NORTHERN DISTRICT OF CALIFORNIA

24 THOMAS ROENBURG, JAMES R.  
25 BAXTER, SHERRY MATTSON, STEVE  
26 PARK, FNU KENNEDY, and EXALDO  
27 TOPACIO, on behalf of themselves and classes  
28 of those similarly situated,

Plaintiffs,

v.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Defendant.

**Case No. 06-0430 PJH**

STIPULATION AND [PROPOSED]  
ORDER APPROVING CLASS  
NOTICE

WHEREAS, at the Preliminary Approval Hearing held on January 3, 2007, the Court requested that the parties modify the proposed Class Notice in two respects;

WHEREAS, in accordance with the Court's instructions, the parties hereby submit a revised Class Notice, attached as Exhibit A, together with a redline, attached as Exhibit B;

The parties hereby stipulate and agree as follows:

1       1. The Class Notice attached as Exhibit A to this stipulation shall replace and  
2 supersede the Class Notice attached as Exhibit A to the Settlement Agreement as filed on  
3 December 20, 2006;

4       2. The Claims Administrator shall mail Exhibit A to this stipulation in accordance  
5 with the Court's Preliminary Approval Order.

6       Dated: January 5, 2007

ALTSHULER BERZON LLP

7       By: /s/ James M. Finberg

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*Attorneys for Plaintiffs and Class Counsel*

Dated: January 5, 2007

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## ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

Dated: 1/9/07

HON. PHYLLIS J. HAMILTON  
United States District Court IT IS SO ORDERED

